

97-84041-24

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James Collins Jones

[Philadelphia]

[1916]

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Box 73 Jones, James Collins,  
An address by James Collins Jones... before  
the Philadelphia chamber of commerce at Belle-  
vue-Stratford hotel, Philadelphia, 1916.  
-Philadelphia, Pa.?, 1916?  
cover-title, 16 p. 23 cm.

only Fd.

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TECHNICAL MICROFORM DATA

FILM SIZE: 35mm

REDUCTION RATIO: 11:1

IMAGE PLACEMENT: IA ☒ IIA IB IIB

DATE FILMED: 3-6-97

INITIALS: MS

TRACKING #: MSH 21702

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# An Address

*Gift of the President*

By

JAMES COLLINS JONES, Esq.

Before

The Philadelphia Chamber of Commerce

at

Bellevue-Stratford Hotel, Philadelphia

1916

Sent out with the Compliments of George H. Paine, Philadelphia, Pa.

AN ANALYSIS OF GOVERNMENT WITH SPECIAL  
APPLICATION TO THE UNITED STATES OF  
AMERICA.

A government is an organized human agency, having the capacity of expressing its will and of controlling the activities of a group of people, called its subjects or citizens, by whom it is maintained or tolerated.

The general function of government, stated in its broadest terms, is to protect and promote the individual activities of its subjects or citizens consistent with its purpose, to restrain the activities of its subjects or citizens inconsistent with its purpose, and to carry on, through its own organization, such political, economic and social activities as are consistent with its purpose.

The more important special functions of modern government, included in its general function, are:

To develop and protect the efficiency and purity of its own organization;

To create, regulate and protect the personal and property rights of its subjects or citizens;

To maintain the public peace and good order;

To promote and regulate commerce;

To construct, operate and regulate public works;

To protect the public health;

To maintain agencies for popular education;

To protect and provide for the immature, poor and unfit;

To protect property against fire and flood;

To protect and develop the natural resources of its territory;

To protect its subjects or citizens against outside aggression;

To protect the personal and property rights of its subjects or citizens outside of its territory;

To extend its power and influence throughout the world.

26 March, 1920 - C.R.W.

What is the fundamental purpose of government? This question has received various answers.

I think a German might say that it is to contribute, within the scope of its powers, to the production of the maximum number of subjects or citizens, possessing the maximum physical, moral and spiritual strength, and the spread of the gospel of its civilization to other lands—surely a lofty purpose whatever we may think of its present application.

I can imagine some political philosopher of the laissez-faire—the let alone—school of the early part or the middle of the nineteenth century, when the state was looked upon as a necessary evil and the right of private property was conceived to have the same divine origin as had been attributed to the right of kings to rule, saying that the purpose of government is to protect the personal and property rights of its citizens or subjects and to develop and extend their commerce. Samuel Taylor Coleridge, the poet and philosopher, said: "The three great ends which a statesman ought to propose to himself in the government of a nation are: 1. Security to possessors; 2. Facility to acquirers; and 3. Hope to all."

A modern English political philosopher might say that the purpose of government is to protect and develop the freedom or liberty of the individual subject or citizen so that he may have the necessary material prosperity, the necessary intelligence and the necessary freedom from the restraint of his fellows for the full expression of his own personality and the performance of his duty to his God and his fellows as he sees it, and to extend the benign influence of the personal liberty of its subjects or citizens throughout the world.

I think the prevailing opinion in the United States is that the purpose of government is to promote the material welfare of its citizens, and to exercise its influence against the unjust governmental oppression of other peoples.

Too frequently in practice, it has been assumed that the purpose of government is to promote the material welfare of the dominating classes of its subjects or citizens.

At the present time, there is a pronounced tendency toward the increase of governmental activity within the

scope of its economic and social functions, brought about by the popular conviction of the impotency of individual action and the necessity of governmental interference to protect the public health, to eliminate fraud and deceit from commerce, to restrain, regulate and supervise the enormous power developed by the agencies of commerce, and to protect the economically weak against the oppression of their more fortunate brothers, so that at no time in recent modern history has government manifested its power in so many directions, and at no time have its problems been of such extensive personal interest to its subjects or citizens.

A government may be unlimited or limited in its powers. It may be sovereign or a mere agency of the sovereign people, with only such powers as have been delegated to it by the people. The British Government is sovereign because of the theoretical omnipotence of Parliament; the Government of the United States is a mere agency of the sovereign people, because the federal and state constitutions are limited grants of power to the agencies thereby created by the people. By reason of the jurisdiction of the courts to nullify unconstitutional acts of the legislative and executive agents, the Government of the United States is limited as no other government has ever been before.

The purpose sought to be accomplished by these limitations in the federal constitution and in the original state constitutions was the protection of the individual against the tyranny of the unseasoned sentiments of the majority.

Another purpose which the people have sought to achieve by constitutional limitations is to protect themselves against the corruption of their representatives. This purpose was manifested in the state constitutions adopted after the Civil War. Among other features in these constitutions it became customary to require corporations to be organized under general laws and to restrict or prohibit the grant of special charters and the special privileges which usually attach thereto.

And still a third purpose accomplished by constitutional limitations is the protection of the people against their own optimistic improvidence. It is in furtherance of this purpose that the borrowing capacity of municipalities is limited.

The classic classification of the forms of government is that which groups them into Monarchies, Oligarchies or Aristocracies, and Democracies. A monarchy is a government by one of the many; an oligarchy or aristocracy is a government by the few of the many, and a democracy is a government by the many. An aristocracy is only a special form of oligarchy in which the few are assumed to be the best.

Any particular government may approach a pure type or be a combination of types.

Probably the most typical monarchy in modern history was the French Government from the time of Louis XI, in the latter part of the 15th century, about the time of the discovery of America, to the French Revolution, in the latter part of the 18th century. The most typical aristocracy was the government of England from the time of the English Revolution in 1688, which placed the Dutchman, William of Orange, on the throne of his father-in-law, to the Reform Act of 1832. At the end of the 18th century, nearly half the members of the English House of Commons were the appointees of private patrons. Democracy has probably found its most successful manifestation in the United States of America.

The participation of the people in a government by the many may be either direct or by representation. Whenever the many are numerous, their participation in the government must necessarily be largely by representation. The same principles of human action which require that a corporation be governed by its directors and officers and not by its stockholders or members, except as to the broadest questions of policy, likewise require that the machinery of government be controlled by the representatives of the people rather than directly by the people.

Modern representative government dates from the English Parliament of 1265, to which Henry III, under the influence of his powerful subject, Simon of Montfort, summoned the representatives of the counties, cities and boroughs of England, and the political soundness of the principles has remained practically unassailed until our own day.

A government may be one of concentrated powers or of distributed powers. The government of the United States is one of distributed powers. There is the division of jurisdiction between the federal and the state government, whereby each exercises sovereign power over the same people in the same territory, and there is the further distribution of the power of each among its legislative, executive and judicial departments. In Great Britain, the powers of government are very much more concentrated. There is but a single government, and in that government the Cabinet, so long as it has the support of a working majority in Parliament, is in supreme control of the legislative and executive departments, and appoints the judges of the courts.

A government may belong to one class in form and to another in practical operation. This is not an unusual phenomenon. Great Britain is an excellent example. Though in theory Parliament is omnipotent, its power is nevertheless limited by tradition, and though there still remain the trappings of monarchy and aristocracy, the government is quite as responsive to the will of the people as our own.

The rational justification of representative democracy is that the people entrusted with the franchise have arrived at a stage of political civilization when they are capable of generating group sentiments relating to political questions and the personality of their representatives, which receive the assent or the acquiescence of substantially all of the people, and which make for the maintenance and orderly development of the government and the accomplishment of its purpose.

Observe that the justification is based upon the capacity of the people to generate wholesome group sentiments, not upon the capacity of the individuals of the group to come to a rational conclusion in regard to the problems of government by consciously thinking about them. We all know that even intelligent people do not consciously think beyond those very specific, definite problems which fill their daily lives, and we are so little familiar with the process of thinking about general problems that we hardly know that we don't think about them. It would indeed be a sad

day for the principle of democracy if it depended upon the capacity of the individual to think.

But while none of us, even the most intelligent, do much thinking about the problems of government, we all of us, even the humblest, have sentiments relating to governmental questions that are the product of our general intellectual attitudes, our sympathies, our interests, our experiences and our general environments. This mass of individual sentiment tends to create a group sentiment, in which individual interests have been compromised, the baser desires eliminated and the nobler sympathies and aspirations emphasized, so that it may very well be that the people taken collectively, as a group, though composed of ordinary individuals, have more virtue and more wisdom than any single man among them, *vox populi vox die*, the voice of the people is the voice of God. But this principle is not without its limitations. It is quite possible that at times the voice of the people may lack its divine inspiration. But on the whole the confidence of our hero Lincoln in the truth of the proposition is more wholesome as a principle of political action than the attitude of the great German Bismarck, who never felt so doubtful of the correctness of his position as when he found the people with him.

There has been a strong movement in the world toward the democratic form of government. "In the early nineteenth century, the democratic form of government was practically confined to a few communities on the eastern shore of the United States. In the early twentieth century, more than fifty countries, containing in all more than a quarter of the population of the globe, possess constitutional government, in which taxation and legislation are controlled by the people or their representatives."

There are two very distinct attitudes as to the functions of the electorate in a representative democracy. The one is that it is the function of the people to express themselves merely as to the personality of their representative. "Your representative," said Burke in speaking to the electors of Bristol, "owes you, not his industry only, but his judgment; and he betrays, instead of serving you, if he sac-

rifies it to your opinion." The other attitude is that it is the function of the electorate not only to express themselves as to the personality of their representatives, but also as to the general policy to be carried out by them. This doubtless has been the prevailing opinion in the United States for the last fifty years.

In every numerous democracy there is need for permanent instrumentalities or agencies by which popular sentiments can be recognized, reconciled, organized and expressed, by which candidates for office can be selected, and by which votes can be secured for the sentiments expressed and the candidates selected.

This need is met in the United States by the party organizations. We sometimes hear these organizations spoken of as though they were an evil excrescence of our civilization, but the truth, of course, is that they are an essential part of our body-politic performing an indispensable service to the life of the government.

These organizations are a very much better index of our general political development than our form of government. The form of government was created by our ancestors under very different social and political conditions, and remains substantially unaltered only because of its fortunate capacity to adjust itself to new and unexpected conditions. But the political organizations as they exist at any particular time are the product of the people of the time, controlled or acquiesced in by the people, and taking their tone from the composite sentiments of the people; and no analysis of our government can be complete without an effort to describe them.

The party organization, as we know it, is made up of popular leaders, organizers and workers. The organizers, as well as the popular leaders, are called leaders. My purpose in classifying the so-called leaders into popular leaders and organizers is to point out a certain important difference in their attributes.

By popular leaders I mean those men who, by reason of their reputation for wisdom or virtue or for the care of the material welfare of their followers, get a large personal following: The undue development of the popular leader

and his conversion into the despot was a fate prophesied for the United States by the European aristocrats; but this danger has never seemed imminent.

The organizers are those men of superior intellectual acumen, who are peculiarly skillful in bringing together and using all of the available forces for victory. They may or may not be popular leaders. The political organizations have been particularly fruitful in the production of such men. The greatest of our day have probably been our own Senator Quay and Senator Platt of New York.

The workers are the army underneath available for service under the orders of their superiors.

For the most part the organization is not an exclusive body, but welcomes recruits and gives them a fair opportunity for the exercise of their faculties in its service. Its service may be either vicious or virtuous, according to the locality where and time when rendered, and the personality of its servitor. Its legitimate rewards are power and office. Its illegitimate rewards are corrupt power and wealth. Although there are within the political organizations many men of superior intellectual capacity and some of superior political virtue, the opportunity for service which they present with its accompanying rewards for achievement has not made a strong appeal to what we regard as the best in our citizenship, and the name politician, instead of being one of honor, as it should be, is almost one of reproach. The explanation of this fact must be that the public have justly or unjustly become convinced that the service exacted by the organization is not honorable service and its rewards are tainted with the impurity of the service.

The organization may get its votes by the governmental activities it promises, by the popularity or supposed character of its candidates for public office, by the thick and thin loyalty of its past supporters, by the dissatisfaction of the people with its opponents, by express or implied promises that its power and the power of its representatives in the government will be used benevolently towards its supporters, and by the bribery of venal voters and other corrupt practices directly connected with the elections.

The spirit of party loyalty, particularly in local affairs, is very much less intense than formerly. This change in sentiment has been rendered more effective by two recent changes in political practice. The first of these is the separation of the dates of the local and national elections; and the other is the popular election of United States Senators, by reason of which a voter may vote for a representative in the state legislature without influencing the political complexion of the United States Senate.

Bribery and corrupt practices connected with elections are also probably on the wane in most parts of the United States, although it is difficult to have more than a general impression on this subject.

In order that the organization, at the present stage of its development, may feed its workers and carry out its promises to its voters, it needs places to fill, in or outside the government, or both, public officers subject to its influence, and money to spend.

The salaried places at the disposal of the organization within the government are those at the disposal of the candidates of the organization elected by the people as their representatives. The practice of using these places as rewards for organization workers originated, says Senator Root, "in the complicated political activities of the great states of New York and Pennsylvania early in the last century. It was extended to the Federal Government under the Presidency of Andrew Jackson, and the most familiar statement of it was made by William L. Marcy in the Senate of the United States in the debate on Jackson's nomination of Martin Van Buren to be Minister to England. Marcy said, 'It may be, sir, that the politicians of New York are not so fastidious as some gentlemen are as to disclosing the principles on which they act. They boldly preach what they practice when they are contending for victory, they avow their intention of enjoying the fruits of it. If they are defeated, they expect to retire from office; if they are successful, they claim, as a matter of right, the advantage of success. They see nothing wrong in the rule that to the victor belong the spoils of the enemy.'"

In 1883, the federal government enacted a law "establishing a classified civil service with preliminary examination and permanence

of tenure. At first only fourteen thousand officers were included in the classified service; but successive presidents have made use of the authority given them to extend the scope of the provisions of the act of 1883, so that about three-fifths of the four hundred thousand federal employees are now subject to its provisions. In local administration the reform has not made corresponding progress; but a few states and a considerable number of municipalities are now following the example of the federal government."

The salaried places outside of the government at the disposal of any political organization are comparatively few. In the past, large corporations receiving political favors, or hoping to, have held themselves in an hospitable attitude toward the successful organization, regardless of its name or its policies, but there has been a very notable decrease in hospitality with the decline of the power of the organization to deliver the goods.

The money required by the political organization comes or has come, in the not very distant past, from its own dominating members; office-holders given their places by its influence; its candidates for office; commercial interests interested in the sentiments advocated by it; commercial interests that wish to stand well with it and avail themselves of its power; the purchaser of special privilege; the public treasury, as where organization workers are appointed to fill public office and paid their salaries without service or adequate service, or excessive compensation is paid for the purpose of conferring special favors upon workers or their representatives, or excessive payments are made for services rendered with the understanding that the whole or a part of the excess shall be appropriated to the political organization in control or used for the discharge of its obligations; and money has also come from members of the general public, without special interest, convinced of the desirability of the governmental policies advocated by the organization or of the superior character of its candidates.

Except in times of great popular excitement, when the spirit of protest is organized for the purpose of getting at least temporary control of the government, the contribu-



tions from the general public are for the most part negligible. But although our citizens are thus neglectful in the performance of their obvious duty to finance their own instrument, they are nevertheless increasingly critical of the sources of revenue availed of, and by reason of the extension of the principle of a permanent civil service, the required publication of campaign contributions, and the increasing governmental supervision and control of large commercial interests, it would seem certain that the political organizations must be deprived of many of their past sources of revenue.

From this review of the political organization, I think we can safely say that there is a marked tendency toward a lessening of its power, and toward an increase in the strength of the appeal that it must make to the general public sentiment for its support.

A question of great importance that frequently presents itself for consideration is as to the proper relationship of the political organization to the representatives of the people that it has put into office. To what extent should the organization dominate the representatives?

The practical effect of the dominance of the organization, to the extent that it is accomplished, is the conversion of a representative democracy of distributed power into an unofficial government of concentrated power, whose members are the chiefs of the dominating organization, who hold their places not by the ballot, but by the sufferance of the people expressed by the election of the candidates of their selection, and who are free from the responsibility imposed by law on the official representative. For example, the organization of the official government of the City of Philadelphia contemplates a chief executive, and an independent co-operating body of councilmen, divided into two chambers, and composed of representatives from the several wards. If a political organization dominates these agencies, they cease to be independent, co-operating agencies, and become the mere agencies of a common control. Again, suppose a corporation desires to get a franchise from the city. If it bribes a councilman, there is criminal responsibility of the councilman and of the representative

of the corporation; but what is to prevent the purchase by the corporation of the influence of the chiefs of the organization?

The commercial interests of the country have been generally favorable to organization dominance. Those who are willing to use corrupt methods to accomplish their purposes believe it easier and safer to corrupt an organization than the representatives of the people. Those whose only influence is that of legitimate argument believe it easier to convince the chiefs of the organization, who are men of considerable intellectual acumen and breadth of view, than the independent representatives of the people, each bent on exploiting his own views and swayed by his own interests. And there is doubtless an unexpressed thought in the minds of many of the most intelligent of our citizens that there is a certain amount of corrupt control necessary to a stable popular government, which can be found in a dominant political organization. One of the fathers of our republic, Alexander Hamilton, is said to have felt the necessity of this corrupt control.

The disadvantage of such a conversion of our formal representative democracy of distributed powers into an unofficial government of concentrated power is the inevitable corruption of the successful political organization that must follow the enormous irresponsible power conferred upon it, and the belittling in the character of men who are willing to become the official representatives of the people as its candidates. The primary function of the organization becomes to serve its members and its contributors. It responds to public sentiment only to the extent necessary to maintain its power. Service to it and not to the people is the only merit recognized by it as worthy of reward, and a corrupt or a weak servility becomes the predominant characteristic of its representatives in public office. Irresponsible power is a temptation to corruption that poor, weak human nature cannot resist.

There is a well marked popular protest against this subservience of the official representatives of the people to the organization to which they owe their place.

This protest has generated two diametrically opposite

methods of achieving the independence of the representatives of the people.

One contemplates the lessening of the principle of representation and the extension of the principle of direct democratic control by the introduction of the initiative, the referendum and the recall. The objection to this solution is that it tends to convert the slave of the organization into the demagogue—the slave of the whim of the people, and it transfers to the people a task they cannot perform. Heretofore it has been accepted as a truism that while the people are able to generate wholesome general sentiments, the special problems of government must be delegated to agents protected from the momentary, irrational impulses of the people.

The other method of achieving the desired independence of the representatives of the people is by maximizing their importance by making fewer of them, and by giving the executive representatives greater power of appointment. This is the principle of the short ballot. The argument in support of this method is that the representatives elected under such circumstances will be bigger men, and too well known to the public and too much subject to its criticism to subordinate themselves to outside control.

One of the great problems of government is to eliminate corruption. All forms of government have exhibited this weakness; it is not peculiar to a democracy. The aristocratic government of England in the eighteenth century is notorious for this vice. In the reign of George II, in the middle of the century, the "organization" controlled by the Duke of Newcastle, founded on corruption, defied the genius of the elder Pitt, and it was only by reason of the subsequent alliance between corruption and genius, that England was able to achieve her great place as a European power. Our greatest corruption followed the Civil War, and for a time its spirit permeated our federal, as well as our state and municipal governments.

A force making for the curtailment of corruption has been the operation of the constitutional limitations inserted in our state constitution after the Civil War, of which I have already spoken.

Another force that has accomplished beneficial results is the temporary reform organizations bringing together the critical, protesting citizens of the community for the purpose of obtaining temporary control of governmental agencies. But the impossibility of holding such organizations together has been demonstrated time and again.

Still another force that is contributing to the purification of the government is its increasing complexity and the necessity for an efficiency that did not exist in the past.

But the great force of purification has been an awakened public sentiment. The popular sentiment against corruption, commercial and political, has certainly grown very much stronger within the present generation. The performance of Gould and Fiske in the manipulation of the Erie Railroad could not be repeated today. And "such a condition of affairs," says Senator Root, "as prevailed in our Congress at the time of the Credit Mobilier business could not exist now. The atmosphere which existed in Washington at that time made it possible for a group of men, most distinguished and powerful among the public servants of the nation, to purchase or accept gifts of securities of corporations upon whose interests they were to vote in one or the other House of Congress. The whole tone of the public service was such that their moral vision was obscured. The same men today would find it impossible to do what they did then, because there is a clearer and better recognized standard of official morality. The conditions which made it possible for the unfortunate Belknap, as Secretary of War, to sell appointments, and for the trusted official aides of the President to be smirched by the whiskey frauds of Grant's second administration, happily no longer exist, and no longer can exist."

A governmental need that is just beginning to become acute is that of increasing administrative efficiency. With the increase in governmental activities, the continuance of inefficiency of the past is intolerable, but as yet little has been done in the way of the solution of this problem. Germany is giving to the world a dramatic exhibition of what may be done by mere efficiency. But while we must, of course, recognize that a benevolent despotism can achieve

an efficiency beyond the capacity of a democracy, yet nevertheless, it must be apparent to all of us that we have a long road to go before we arrive at the limit of our democratic possibilities.

But the fundamental problem of our government, as it must be of all democracies, is to create and maintain on the part of the people a willingness to assume the obligation to serve that must accompany their power, if it is to be wisely exercised. Old Glory can always get an impulsive shout, but a transitory impulse, however vehement its expression, is not practical patriotism. Practical patriotism must be based upon a deep conviction that our government has a purpose to achieve which makes it worthy of our service, and that such service is a social duty demanded by our own self-respect as citizens of a free democracy. With a general recognition of governmental service, with an undivided allegiance, as a social duty, all our problems are in the course of solution, but without it we must maintain our national independence and integrity at the mere sufferance of more virile nations. What progress have we made in the development of practical patriotism? This question I leave with you.

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TITLE**